

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

<b>JOE ALAN COOK</b>	§	
<b>TDCJ-CID #1427038</b>	§	
<b>v.</b>	§	<b>Civ. No. CC-08-203</b>
	§	
<b>PHYSICIAN II, JAMES M. FITTS,</b>	§	
<b>ET AL.,</b>	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATIONS AND  
DISMISSING CASE**

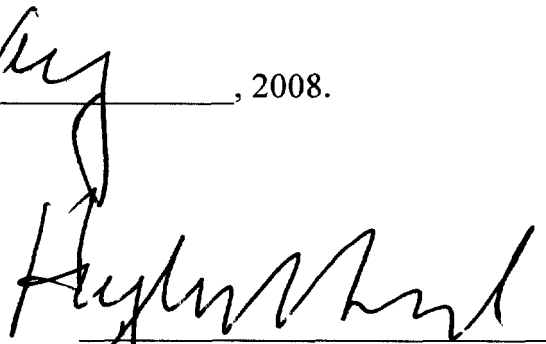
On June 16, 2008, plaintiff filed his Emergency Motion for Injunctive Relief. (D.E. 1) The Magistrate Judge entered her Memorandum and Recommendation on August 8, 2008. (D.E. 22) Plaintiff filed no objections. When no timely objection is filed, the Court need only satisfy itself that there is no “clear error” on the face of the record in order to accept the Magistrate Judge’s recommendation. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir.1996) (citing FED. R. CIV. P. 72(b) advisory committee’s note (1983)).

Plaintiff brings a claim of deliberate medical indifference, pursuant to 42 U.S.C. §1983. He also seeks to enjoin various defendants from retaliating against him for filing the suit. Plaintiff alleges that the medical staff of the McConnell unit prescribed him aspirin, though he is allergic to it. Plaintiff does not assert that he suffered any ill effects, because he did not take the aspirin. When plaintiff submitted a sick call request and met with the prison doctors, they changed his prescription. The Magistrate Judge found that plaintiff failed to allege deliberate

indifference to his medical needs and recommended that the claim be dismissed. She further found that plaintiff fails to make sufficient allegations to warrant injunctive relief. Having reviewed the pleadings and motions on file, the Court finds no clear error in the Magistrate Judge's recommendation. The Court accepts the Magistrate Judge's recommended decision.

Accordingly, plaintiff's claims are DISMISSED WITH PREJUDICE for failure to state a claim and as frivolous pursuant to 28 U.S.C. §§1915(e)(2)(B) and 1915A(b)(1). It is further ORDERED that copies of the Magistrate Judge's memorandum and recommendation and this order be provided to the District Clerk for the Eastern District of Texas, Tyler Division, as recommended by the Magistrate Judge.

So ORDERED this 30 day of Aug, 2008.

  
HAYDEN HEAD  
CHIEF JUDGE